

PATENT *Tfw*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth; Keith A. Miesel Confirmation No. 8232  
Serial No.: 10/825,964 Docket No.: 1023-360US01  
Filed: April 15, 2004 Customer No.: 28863  
Examiner: Unknown Group Art Unit: 3736  
Title: DETECTING SLEEP

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being deposited with the United States Post Service, as First Class Mail, in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on September 26, 2005.

By: *Patricia Cygan*

Name: Patricia Cygan

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendments  
Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits the references listed on the attached form PTO-1449. This statement is being filed, to the best of Applicant's knowledge, before the receipt of a first Office Action on the merits.

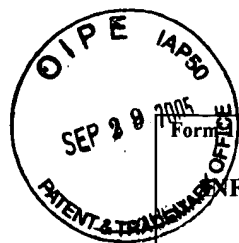
Applicant has enclosed a copy of each article cited and each foreign document cited. Copies of the U.S. patents are not enclosed as this requirement has been waived by the U.S. Patent Office.

Respectfully submitted,

Date: *9/24/05*

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Form 1449\*

**INFORMATION DISCLOSURE  
STATEMENT****IN AN APPLICATION**

(Use several sheets if necessary)

Docket Number:

1023-360US01

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Applicant:

Kenneth T. Heruth; Keith A. Miesel

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Examiner Name:

Unknown

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Issue/Document Publication Date	Name	Filing Date If Appropriate
	5,732,696	03/31/1998	Rapoport et al.	
	5,782,884	07/21/1998	Stotts et al.	
	6,308,098 B1	10/23/2001	Meyer	
	2001/0037067 A1	11/01/2001	Tchou et al.	
	2002/0091308 A1	07/11/2002	Kipshidze et al.	
	6,466,821 B1	10/15/2002	Pianca et al.	
	2002/0193697 A1	12/19/2002	Cho et al.	
	2002/0193839 A1	12/19/2002	Cho et al.	
	6,539,249 B1	03/25/2003	Kadhiresan et al.	
	2004/0002741 A1	01/01/2004	Weinberg	
	6,687,538 B1	02/03/2004	Hrdlicka et al.	
	2004/0049132 A1	03/11/2004	Barron et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Document Number	Publication Date	Country	Translation	
				Yes	No
	1 291 036 A2	03/12/2003	EP		
	1 308 182 A2	05/07/2003	EP		
	1 437 159 A1	07/14/2004	EP		
	WO 98/00197	01/08/1998	PCT		
	WO 02/41771 A1	05/30/2002	PCT		
	WO 02/096512 A1	12/05/2002	PCT		
	WO 2002/100267 A1	12/19/2002	PCT		
	WO 03/051356 A1	06/26/2003	PCT		

**OTHER DOCUMENTS (Including Authors, Title of Item, Page(s), Vol/Issue No., Publisher, Place of Publication)**

International Search Report for corresponding PCT Application Serial No. PCT/US2005/008881, mailed July 1, 2005 (5 pages).

**EXAMINER****Date Considered**

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Based on Form PTO-FB-A820  
(Also form PTO-1449)

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